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ACTION AF-00

INFO	LOG-00	NP-00	AID-00	AMAD-00	CIAE-00	CIP-00	DODE-00
	SRPP-00	DS-00	EB-00	FCC-01	VC-00	H-01	TEDE-00
	INR-00	IO-00	LAB-01	L-00	VCE-00	AC-01	NSAE-00
	OIC-02	OMB-01	OPIC-01	PA-00	PM-00	PRS-00	ACE-00
	P-00	SP-00	SSO-00	STR-00	TRSE-00	USIE-00	PMB-00
	DSCC-00	PRM-01	DRL-02	G-00	NFAT-00	SAS-00	/011W

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FM AMEMBASSY HARARE  
TO SECSTATE WASHDC IMMEDIATE 7292  
INFO NSC WASHDC IMMEDIATE  
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

C O N F I D E N T I A L SECTION 01 OF 02 HARARE 005651

SIPDIS

DEPT FOR AF/PD (COX, ROBERTSON, HOWARD, SANDERS)

NSC FOR SENIOR AFRICAN DIRECTOR GAYLE SMITH

PASS USAID FOR A/AID-RMCCALL, AFR/SA-NNEWMAN, AFR/SD-DWELLER, AFR/SA-CREINTSMA, AA/AFR-VNEWTON, AND BHR/OTI-MSCOTT

E.O. 12958: DECL: 10/05/10

TAGS: PHUM PGOV ECPS ZI

SUBJECT: GOVERNMENT FLOUTS LAW AND SHUTS DOWN NEW RADIO STATION

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CLASSIFIED BY AMBASSADOR TOM MCDONALD FOR REASONS 1.5  
B/D.

1. (C) SUMMARY: DURING THE EVENING OF OCTOBER 4, THE GOVERNMENT OF ZIMBABWE WILLFULLY IGNORED A COURT ORDER AND SHUT DOWN THE RECENTLY LAUNCHED PRIVATE BROADCASTER CAPITAL RADIO. HEAVILY ARMED POLICE (SEVERAL WERE CARRYING AK47 ASSAULT RIFLES) APPEARED AT THE RADIO'S MAKESHIFT STUDIO IN THE 5-STAR CROWNE PLAZA HOTEL IN DOWNTOWN HARARE AT ABOUT 1600 ON OCTOBER 4 AND DEMANDED THAT THE STATION CEASE BROADCASTING. LAWYERS FOR THE RADIO STATION WERE ABLE TO DELAY SHUTDOWN OF THE RADIO FOR SEVERAL HOURS, AND OBTAINED A COURT ORDER THAT BARRED THE POLICE FROM SEIZING THE STATION'S EQUIPMENT. THE POLICE INITIALLY INDICATED THAT THEY WOULD COMPLY WITH THE COURT ORDER, BUT RETURNED AT ABOUT 2300, BROKE DOWN THE DOOR TO THE STUDIO, AND SEIZED THE EQUIPMENT. DURING THE SAME PERIOD OF TIME, UNIFORMED POLICE AND UNIDENTIFIED CIVILIAN GOVERNMENT OFFICIALS (PROBABLY CIO AGENTS) APPEARED AT THE HOMES OF CAPITAL RADIO'S MAJOR PLAYERS. THEY ENTERED AND SEARCHED THE HOME OF STATION CO-OWNER GERRY JACKSON, AND ESTABLISHED PRESENCE AT, BUT DID NOT ENTER, THE HOMES OF OTHER PEOPLE NOW OR PREVIOUSLY ASSOCIATED WITH THE STATION. THE TIMING OF THE POLICE ACTION AGAINST CAPITAL RADIO'S BROADCAST FACILITIES AND KEY PERSONNEL COINCIDES WITH PRESIDENT MUGABE'S SIGNING OF A NEW SET OF REGULATIONS GOVERNING COMMERCIAL BROADCASTING IN ZIMBABWE. THE ELEMENTS OF THESE NEW REGULATIONS ARE REPORTED IN A SEPARATE TELEGRAM. CAPITAL RADIO IS NOW OFF THE AIR AND FACES A

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FUTURE OF LEGAL BATTLES. END SUMMARY.

2. (C) ACCORDING TO CAPITAL RADIO CO-OWNER GERRY JACKSON AND PRESS ACCOUNTS, A POLICE "SUPPORT UNIT" ARMED WITH AK47 ASSAULT RIFLES ARRIVED AT THE RADIO STATION'S MAKESHIFT STUDIOS ON THE 16TH FLOOR OF THE 5-STAR CROWNE PLAZA HOTEL IN DOWNTOWN HARARE AT ABOUT 1600 ON OCTOBER 4. THE POLICE WERE ACCOMPANIED BY MEMBERS OF ZIMBABWE'S CENTRAL INTELLIGENCE ORGANIZATION (CIO). DISCUSSIONS BETWEEN THE POLICE, LED BY ASSISTANT COMMISSIONER LIBERMAN NDLOVU, AND CAPITAL RADIO'S LAWYERS ANTHONY BROOKS AND JONATHAN SAMKANGE, DELAYED POLICE ACTION FOR SEVERAL HOURS. NDLOVU INITIALLY TOLD BROOKS THAT HE WAS "WAITING FOR A SEARCH WARRANT." THIS GAVE THE STATION'S LAWYERS TIME TO OBTAIN AN ORDER FROM HIGH COURT JUDGE ESHMAIL CHATIKOBO BARRING POLICE SEIZURE OF EQUIPMENT. THAT ORDER EXPIRES AT 1600 ON OCTOBER 5. ASSISTANT COMMISSIONER NDLOVU INITIALLY SAID THAT HE WOULD RESPECT THE ORDER. ACCORDING TO JACKSON, NDLOVU THEN RECEIVED A CALL FROM INFORMATION MINISTER JONATHAN MOYO, AFTER WHICH HE TOLD THE RADIO'S LAWYERS THAT HE WOULD NOT RESPECT THE COURT ORDER. NONETHELESS,

POLICE LEFT THE HOTEL AT ABOUT 2230 WITHOUT HAVING ENTERED THE HOTEL ROOM SERVING AS THE STATION'S STUDIO. AT THAT POINT, THE RADIO'S LAWYERS ALSO LEFT THE HOTEL. ABOUT 30 MINUTES LATER, AT 2300, HOTEL MANAGEMENT CALLED JACKSON TO INFORM HER THAT THE POLICE HAD RETURNED, WERE BREAKING DOWN THE DOOR TO THE STUDIO AND SEIZING THE EQUIPMENT. THE STUDIO WAS AUTOMATED AND NO STATION STAFF WERE PRESENT AT THE TIME OF THE SEIZURE. CAPITAL RADIO DOES NOT KNOW WHERE ITS EQUIPMENT IS NOW, BUT

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ASSUMES IT IS BEING HELD BY THE POLICE OR OTHER GOVERNMENT OFFICERS. CAPITAL RADIO BEGAN OPERATIONS ON SEPTEMBER 28 IN THE LEGAL VACUUM CREATED BY THE SEPTEMBER 22 SUPREME COURT RULING THAT THE EXISTING BROADCASTING LAWS WERE UNCONSTITUTIONAL.

13. (C) POLICE ACTION AGAINST PEOPLE NOW AND FORMERLY ASSOCIATED WITH CAPITAL RADIO ALSO BEGAN AT ABOUT 1600 ON OCTOBER 4. POLICE AND, ACCORDING TO GERRY JACKSON, CIO OFFICIALS ENTERED AND SEARCHED HER HOME AT THAT TIME. SHE WAS NOT HOME. ACCORDING TO MS. JACKSON'S NEIGHBORS, POLICE SAID THAT THEY HAD A WARRANT FOR HER ARREST. JACKSON'S LAWYER IS CURRENTLY WORKING TO DETERMINE WHETHER POLICE HAVE A WARRANT OR SIMPLY A DESIRE TO INTERVIEW HER. POLICE AND NON-UNIFORMED GOVERNMENT PERSONNEL ALSO APPEARED AT THE HOMES OF STATION CO-OWNER MIKE AURET, JR. (HE WAS NOT HOME), HIS FATHER MIKE AURET, SR. (AN OPPOSITION MEMBER OF PARLIAMENT), AND SEVERAL OTHER PEOPLE. NONE OF THESE HOMES WERE ENTERED OR SEARCHED. JACKSON SAYS THE POLICE APPEAR TO BE WORKING FROM OLD DOCUMENTS AND INFORMATION BECAUSE THEY ARE TARGETING SOME PEOPLE WHO HAVE NOT BEEN ASSOCIATED WITH CAPITAL RADIO FOR MONTHS OR YEARS. THE RADIO STATION WAS OFFICIALLY INCORPORATED IN 1996, BUT

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	P-00	SP-00	IRM-00	SSO-00	STR-00	TRSE-00	USIE-00
	PMB-00	DSCC-00	PRM-01	DRL-02	G-00	NFAT-00	SAS-00
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O 051516Z OCT 00  
FM AMEMBASSY HARARE  
TO SECSTATE WASHDC IMMEDIATE 7293  
INFO NSC WASHDC IMMEDIATE  
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY

C O N F I D E N T I A L SECTION 02 OF 02 HARARE 005651

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STATION

NEVER OPERATED UNTIL SEPTEMBER 28, 2000. AMONG THE HOMES THE POLICE VISITED ON OCTOBER 4 ARE THOSE OF FORMER STATION OWNER BRIAN LATHAM (HE SOLD THE STATION TO JACKSON AND AURET IN 1999), AND BRIAN POTTS, A FORMER CAPITAL RADIO STAFFER WHO EMIGRATED TO AUSTRALIA EARLIER THIS YEAR.

14. (C) GERRY JACKSON AND MIKE AURET, JR. ARE CURRENTLY STAYING WITH FRIENDS AND CONSULTING WITH THEIR LAWYERS ABOUT THEIR NEXT STEPS. THE LAWYERS ARE ATTEMPTING TO DETERMINE IF THERE ARE CHARGES OR ARREST WARRANTS PENDING AGAINST JACKSON, AURET OR OTHER STATION STAFF. GERRY JACKSON, A BRITISH CITIZEN WITH PERMANENT RESIDENCE STATUS IN ZIMBABWE, TOLD US THAT POLICE COMMISSIONER AUGUSTINE CHIHURI HUNG UP ON BRITISH HIGH COMMISSIONER PETER LONGWORTH WHEN LONGWORTH CALLED TO PROTEST THE POLICE INVASION OF JACKSON'S HOME.

15. (C) CAPITAL RADIO'S LAWYERS ARE ALSO NOW SEEKING AN EXTENSION OF THE HIGH COURT'S ORDER BARRING POLICE FROM SEIZING OF THE STATION'S EQUIPMENT. ALTHOUGH THAT WOULD BE A MOOT ORDER NOW THAT POLICE HAVE IGNORED THE INITIAL ORDER AND SEIZED THE EQUIPMENT, IT COULD BE AN IMPORTANT STEP IN THE LEGAL BATTLES NOW SHAPING UP.

16. (C) COMMENT: THE DUST HAS NOT COMPLETELY SETTLED, BUT IT SEEMS EVIDENT THAT CAPITAL RADIO'S IMMEDIATE FUTURE IS IN THE COURTS RATHER THAN ON THE AIRWAVES. AS THEY BEGAN BROADCASTING ON SEPTEMBER 28, JACKSON AND HER  
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PARTNERS PUBLICLY STATED THAT THEY WOULD ABIDE BY ZIMBABWE'S LAWS. THEIR RECOURSE TO THE HIGH COURT ON OCTOBER 4 SHOWS THAT THEY DO INTEND TO OPERATE WITHIN THE FRAMEWORK OF THE LAW. SADLY, THE ACTIONS OF THE POLICE, AND PRESUMABLY OF INFORMATION MINISTER JONATHAN MOYO, SHOW THAT THE GOVERNMENT DOES NOT SHARE CAPITAL RADIO'S RESPECT FOR THE NATION'S LAWS. THIS IS YET ANOTHER EXAMPLE OF THE GOVERNMENT OF ZIMBABWE'S BLATANT CRACK DOWN ON THE MEDIA AND THEIR WILLINGNESS TO ACT OUTSIDE THE LAW TO MAKE SURE THE AIRWAVES ARE FULLY CONTROLLED BY GOVERNMENT MEDIA. THIS IS INDEED A DISTURBING DEVELOPMENT. END COMMENT.

MCDONALD

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